FISHERIES.

MR. HOWE'S REPORT.

Though not specially charged to make any representation to the Government of Canada, on the subject of the Fisheries, Mr. Howe begs to report, for the information of His Honor the Administrator of the Government, that he deemed it his duty to avail himself of the opportunity offered by the recent Conference at Toronto, to urge the importance of giving to them adequate protection, and has the honor to submit the copy of a Memorandum agreed to on the 21st of June.

MEMORANDUM.

Mr. Howe, having called the attention of His Excellency and the Council to the importance and value of the Gulf Fisheries, upon which foreigners largely trespass, in violation of treaty stipulations, and Mr. Chandler having submitted a report of a select Committee of the House of Assembly of New-Brunswick, having reference to the same subject, the Government of Canada determines to co-operate with Nova-Scotia in the efficient protection of the Fisheries, by providing either a Steamer or two or more Sailing Vessels, to cruise in the Gulf of St. Lawrence and along the coasts of the Labrador.

It is understood that Nova-Scotia will continue to employ at least two Vessels in the same service, and that Mr. Chandler will urge upon the Government of New-Brunswick, the importance of making provision for at least one Vessel, to be employed for the protection of the Fisheries in the Bay of Fundy.

JOS. BOUDRET, P. C.
JOSEPH HOWE.

Toronto, June 21, 1851.

[The foregoing Report and Memorandum, were read and approved of in Council this day.

W. H. KEATING, D. C. C.

Halifax, July 26, 1851.]

To the Honorable James B. Uniacke.

DEAR SIR,

Agreeably to your request, I submit for your consideration, my remarks respecting the Fisheries in the British Colonies.

From the first of July to the latter part of August, the American fishermen seldom resort to the Harbours on the South side of Nova Scotia, for shelter, as they generally take their bait on the Banks, which extend from George's Shoal to Sable Island Bank, Banke Quereau, Green Bank, &c. To these Banks the American vessels resort early in the season, often taking two fares of Codfish by the latter part of July.

These break the schools of fish that are making their way toward the shore soundings, which I think is the cause of the failure of the shore fisheries. From 1812 to 1818, fish were found more abundant about the shores of Nova Scotia than they have been since. A large portion of these vessels, after making one or two voyages of Codfish, proceed to the Bay de Chaleur, from the East point of Prince Edward's Island to Shippegan Cape, Gaspe, the entrance of the St. Lawrence, as far as Point Demont's

Demont's, and the Seven Islands, including Orphan Bank, Bradelle Bank, the coast about the Magdalen Islands, and the North side of Cape Breton. These comprise the chief fishing grounds for American vessels. The Harbours to which they chiefly resort, are the Strait of Canso, Port Hood, Sea Wolf Island, St. Peters, New London, Richmond, Cascumpeque, Shippegan, Miscow, Gaspe, Seven Islands, Magdalen Islands, &c. &c. The Mackarel in the spring, generally strike the south part of Nova Scotia; from the 18th to the 25th of May, they come from the Southward, falling in with the Nantucket and St. George's Shoal; a large quantity come through the South Channel, and when abreast of Cape Cod, shape their course towards the south coast of Nova Scotia. Being bound to Boston this Spring, about the 18th of May, I met large schools of Mackarel, about 50 or 60, to the Westward of the South Seal Island; they appeared to be coming about from Cape Cod, until nearly over to the Cape. Their course may occasionally vary in consequence of strong southerly and northerly winds; they generally fall in on the coast to the Westward, a few days before they do at Canso, and Cape Breton. The chief places for netting and seining Mackarel in the Spring, are the Tusket Islands, the West side of Cape Sable, East side of Margaret's Bay, Little Harbour, White Head, St. Peters in Cape Breton, Antigonish, and several other places. As there is no doubt but that the Mackarel are bound to Chaleur Bay for the purpose of spawning, it would lead us to believe that when one fish is taken with the net or seine, thousands are destroyed which would otherwise likely come to maturity. Could the practice of taking fish with their spawn be abolished, it is likely they would be much more abundant. The Mackarel, after passing the south coast of Nova Scotia, proceed to the northward, through the Straits of Canso, and to the Eastward of Cape Breton, making their way Northwardly until they are up to Shippegan, Bradelle Bank, Gaspe, Seven Islands, &c. After having spawned, they continue about those places as their feeding ground, there being large quantities of Lants there which they feed upon, and consequently become fat.

As the season advances, about the month of October, the fish begin to make their way to the Southward, and continue until the latter part of November. The practice of taking Mackarel with the hook and line has not been long in operation in Nova Scotia; and I believe there never has been a voyage made with the hook and line on the southern coast of Nova Scotia, except at Sable Island, where there have been some good voyages made. The fish which resort here are of a different quality from those which go to the Bay de Chaleur, being much larger and fatter. In 1850, the fish were plenty and took the hook well, but in 1851 the fish appeared at times to be abundant, but would not take the hook. Mackarel here feed in shallow water, within the bars or shoal edges of sand which extend in different places near the Island. The vessels when employed in the Mackarel fishery here, lie at anchor in about 6 or 7 fathoms water, and I have been informed that Mackarel have been discovered from the mast head of these vessels, lying within the ridges of sand. They are chiefly taken in boats or flats, which go over the ridges, when they sometimes appear to be lying on the bottom. Was there a Light House erected on the North West End of the Island, I think it would be of great service to those who tend the Mackarel fishery here; as they often have to cross the North West Bar when they cannot ascertain the distance from the Island. As the season advances, the weather changeable, and the bars being dangerous to cross in rough weather, our vessels mostly leave after the last of September.—The American vessels, which fit out for the Hook fisheries, are of a superior class from those in Nova Scotia. Their tonnage, generally from 60 to 130 tons, very sharp built, well fitted in every respect; those they term the Sharp-shooters are very superior sailing vessels. This enables them to reach the fishing ground, and procure their cargo, while those of Nova Scotia are actually carrying sail to reach the fishing ground. Those vessels are likewise well manned, varying from 12 to 24 men; making an average probably of about 15 or 16 men, to each vessel. In 1851, I was informed

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there were about one thousand sail of American vessels, which with an average of 15 men, would give fifteen thousand. Some of these vessels, I heard, made three trips in Chaleur Bay, for Mackarel. Some, after havingmadeone or two trips or fares of Codfish, proceed to the Bay de Chaleur, well fitted, taking sufficient barrels to cure their fish in. These are partly filled with Menhaden and Clams, which are considered the best bait for Mackarel; others are filled with salt and water, which make ballast; when required for use they are emptied of their contents, and filled with Mackarel; this keeps their vessels in good ballast. They generally commence their fishing about Bradelle Bank, Shippegan, and follow the fish northerly, until the season advances, when they return to the North side of Prince Edward's Island, and Cape Breton; the crews of these vessels are nearly one fourth belonging to Nova Scotia.—Some of these leave their homes in the Spring of the year, and take passage for the United States, for employment; others ship on board American vessels when they arrive in Nova Scotia. This may be a cause why American fishermen are found fishing within the limits.

The Straits of Canso being the chief passage that American vessels take, when bound to or from the Bay de Chaleur, they generally stop here, as they say, for the purpose of shelter, repairing damages, and procuring wood and water. Many of the places through this Strait are so situated, that vessels may haul into the bank and discharge without being detected. As these vessels, bound on a fishing voyage, are nearly full of barrels, it would be nearly impossible to detect them if actually engaged in illicit trade. Some of the coves where they resort have fine streams of fresh water, with some rum shops near by, which give them an opportunity of taking on shore a barrel of the American manufactured Brandy, and bringing in return the pure fresh water; and as many of the crews of these vessels were actually residents of these places, they think they have the same privilege as those who sail in British vessels; and as they have been habituated to go on shore and purchase small stores, such as butter, potatoes, sheep, and such articles from the inhabitants, I found the inhabitants of the coast more favourable towards the Americans than they were towards the Nova-Scotia men. At some places I heard that the inhabitants would go out in their boats when the Americans were taking mackarel, and make fast to them and fish while they had them baited up. All this gives the inhabitants a favourable opinion of the Americans.

As to the mode to be pursued to prevent American fishermen from illicit trade, and going within the limits to fish, it is not easy to determine.

However, as Nova-Scotia has so many harbours and places for vessels to resort to, and the Strait of Canso open for all vessels, it would be useless, in my opinion, to put on protective duties in Nova-Scotia. The chief of those who remove to the United States, who go from Nova-Scotia to sail in American vessels, are young men who would never leave Nova-Scotia could they get employment at home. There are many of opinion, that protective duties would raise Nova-Scotia to a level with other countries, but I believe this would never keep these young men in the Province.

The fact is, Nova-Scotia wants a market for its produce, and its greatest production is fish. Let us see how a protective duty would work: the fisherman in Nova-Scotia calls on a merchant for supplies, if he has a little property it is likely the answer will be, You can have such and such articles, but as there is a high Tariff this year, for the purpose of raising you to a level with other countries, you must pay an extra price for every barrel of flour, and in the same proportion for every other article you may want or require. When his bill is made out, it has a large appearance, but when he considers we have protective duties which will enable him to pay his bills, he puts it in his pocket and commences his fishing voyage.

After making his voyage, hearing that fish are worth a fair price in the United States, he collects his fish on board his craft, and generally takes them to the port whence he was supplied in the spring.

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On making enquiry of the price of fish, he finds them very low ; on asking the cause, he is told, why the duties are so high, it takes about one-fourth, including freight, insurance, &c., to have them disposed of in the United States. With this reduction, the fisherman often taking his whole voyage to the merchant who supplied him, finds it will not amount to a sufficient sum to pay his bills.

What now is to be done ? He calls upon his merchant and asks if the protective duty will not be of service to him; the answer is, oh! no, that is to protect the mechanic, those who have factories, the farmers, &c. He has a little property, that must go to pay the balance of his bills, and perhaps not sufficient left to supply his family through the coming winter. But how will those do who sail in American vessels ? When arriving in the United States they generally procure good wages, or should they ship on shares, their fish is taken to a market in the United States, free of duty or expense. As these vessels are generally bound to some port in Nova Scotia, those who are Nova Scotia men can take their little supplies for their families, and have them landed at their doors, nearly as low as they can be procured in the United States; when their voyages are accomplished, they either proceed on to the United States and receive their share, or, as the practice is in some places, a merchant supplies them with goods to the amount of their voyage. He then receives a draft, which is accepted by the owner of the vessel, payable in the United States. This answers the purpose of the fishermen, and likewise makes remittances for the merchants, who can step on board the Packet and proceed to the United States, collect his drafts, make arrangements for a new supply for the coming season, and return. This appears to be the state of a large part of Nova Scotia at present. But there has been a difference of opinion respecting reciprocal trade between the United States and the British Colonies. As regards the Cod fisheries, it is my opinion, that American fishermen affect our shore fisheries more by being kept on the outer banks, when if they were admitted freely into our ports, our fishermen would be enabled to procure larger fares ; I have no doubt that the Convention between the Americans and British has been the cause of the American fishermen procuring theirs much sooner than they would have done had they been admitted freely into our ports. As regards the Mackarel fishery, it is a question which is not so easily decided. There is but little doubt the Americans would enjoy some of the privileges which now belong to British subjects ; but could we receive something equivalent for those privileges, by having the same privilege in the American market, our fish and produce going there free of duty, our Coasters having the same privilege in American ports as they had in ours, this might have a tendency to bring Nova Scotia on a level with other countries, and prevent our young men from leaving the Province. The means to be employed for the prevention of those who might trespass on the fishing ground, or are engaged in illicit trade, is a question of great importance at present. As to smuggling, perhaps that trade will never be entirely abolished, but much might be done if the Officers and Magistrates on shore would take sufficient interest to put down this trade. Persons commissioned on board of vessels have not the opportunity of detecting these things as those on shore, as vessels so commissioned are generally watched.

The course to be pursued to prevent foreign vessels from trespassing on the grounds reserved for British subjects, requires more talent and experience than I have, to decide. However, with the information which I have received, and the little experience I have, it appears it would take a larger amount than the Legislature of Nova-Scotia would grant, for the protection of the Fisheries, when we take into consideration the extent of the coast on Nova-Scotia and Cape Breton, which, in the latter part of the season, is completely lined with American vessels, from Cape Gaspe to Cape North, in Cape Breton. These vessels I have been informed, often fish within half a mile from shore, paying little or no regard to the limits stated in the National Convention. In fact the day on which I seized the " Tiber," there were sixty or seventy

seventy sail in sight, which were nearly all within limits; but as these are fast sailing vessels, if they once get the start, and are out of gun shot, they feel quite secure. Were the British Colonies united, or was each Colony equally interested in the Fisheries, and would all come forward to protect the Fisheries, it would be of great consequence. The coast cannot be protected from encroachment by foreigners, by sailing vessels, unless there are three or four in number.

A small steam vessel would likely be of great service to prevent foreigners from encroaching, but as the fishermen are generally fitted with good glasses, it is not likely a steam vessel would take them in the act of fishing within the limits. In the Convention between the two nations, the words "curing fish" and "preparing the fish," it appears to me, to require some further explanation; on the former the American fishermen believe the object was to prevent them curing or drying cod fish on shore, as the hook mackarel fishing was not practised when that Convention was made. I have seen seen instances where American vessels had been fishing the whole of the day, towards evening, a gale springing up, they were forced to run for a harbour with fifty or sixty barrels of fresh mackarel on deck, and if salting those fish is understood curing fish, which I think is the only way mackarel can be cured, under those circumstances these people must cast their fish into the sea again, or run the risk of having the vessel and cargo seized. The words "preparing the fish," may be construed to what it was not intended.

When cruising in the schooner Telegraph last fall, being in Little Canso, an American vessel lay near; I discovered the men busily employed on deck, I manned my boat and boarded her; I found them employed grinding bait for mackarel; the Captain appeared quite innocent, and said he had been so careful he had not taken a lobster while in the harbour, this might be understood preparing to fish.

That part of the Convention which provides that American fishermen shall be admitted to enter the Bays and Harbours in the British Colonies, for the purpose of shelter, and repairing damages therein, of obtaining wood and water, and for no other purposes whatever,—if strictly carried out would not allow them, in my opinion, to do any more than is specified in the Convention. I made some enquiry respecting the words "preparing to fish," from those who I thought might understand the subject, who gave their opinion, that laying the vessel to, or putting her in a proper position to fish, was the proper meaning. Another question in my opinion requires some consideration—that is, that part of the Law which requires that vessels, after having been seized, shall be left in charge of the officer of her Majesty's Customs in the first port which they may enter.

In case the vessel and cargo should be sold, they would not be worth near as much in some ports as they would in others. As regards Port Hood, there is not any safe place for a vessel to lie unless she has a crew constantly on board. The sixth question, referred to the Law Officers in England,—whether American vessels have a right to enter the Harbours of this Province for the purpose of obtaining wood and water, having provided neither of these articles at the commencement of the voyage in their own country, appears to be unrestricted by any condition expressed or implied. I believe it has been the practice of American vessels, when bound to the Labrador, to stop at some port in Nova Scotia to procure firewood, small spars, such as boats' masts, sprits, oar rafters, gaff handles, and such like things.

It is my opinion that persons commissioned for the protection of the Fisheries, should have very explicit instructions: what would be a sufficient time for procuring wood, water, &c., and likewise, how far the word "shelter" should extend. I have examined the report of the Committee on the Fisheries, for 1851, and do not see any further explanation than the Law Officers in England have given. Their decision respecting the prescribed limits appears to be plain; but respecting the entering our Harbours, in my opinion, requires some additional explanation.

I have, &c.

Feby. 10, 1852. PAUL CROWELL.

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